



DEPARTMENT OF THE NAVY
HEADQUARTERS
NAVAL CRIMINAL INVESTIGATIVE SERVICE
27130 TELEGRAPH ROAD
QUANTICO VA 22134-2253

5720 F13-1073
SEROOLJF/13U1917

- 7 AUG 2013

Mr. Michael Morisy
MuckRock News
DEPT MR 5718
P. O. Box 55819
Boston, MA 02205-5819

Dear Mr. Morisy:

This further responds to your May 23, 2013 electronic Freedom of Information Act (FOIA) request seeking a copy of the Naval Criminal Investigative Service Case Control Numbers: 01JUL98-NENL-0163, 05MAY94-05CS-0153, 15JUL92-20FW-0056, 27DEC90-20FW-0129 and 25OCT89-20FW-0098.

All NCIS investigative reports are electronically maintained in the Records Imaging Management System (RIMS). A search of the RIMS has resulted in locating four of the above referenced Case Control Numbers.

Please be advised that a search of the RIMS did not reveal a Case Control Number cited as 15JUL92-20FW-0056; however, we were able to locate an investigation cited as 16JUL92-20FW-0056. If you wish to have this processed pursuant to the FOIA, please advise this office and a supplemental response will be provided to you.

The processing of the remaining referenced reports has been completed. Our review of these documents reveals that they contain personal identifiers (such as names and social security numbers) of third parties, the release of which would constitute an unwarranted invasion of personal privacy. Accordingly, we must partially deny your request and withhold this information pursuant to the FOIA provisions 5 U.S.C. § 552(b)(6) and (b)(7)(C). Exemption (b)(7)(D) has also been cited.

All releasable information is provided to you at enclosure (1). We have also provided an enclosure explaining the various exemptions of the FOIA.

As the official responsible for the partial denial of your request, I am advising you of your right to appeal this determination. Your appeal must be postmarked within 60 calendar days from the date of this letter and should be addressed to the Secretary of the Navy's designee: Office of the Judge Advocate General, (Code 14), 1322 Patterson Avenue, S.E., Suite 3000, Washington Navy Yard, D.C. 20374-5066. The envelope and letter must bear the annotation "FOIA Appeal". A copy of your initial request and a copy of this partial denial letter must accompany the appeal.

Some of the information contained within the report(s) is under the release authority of the following four Commands:

- Space and Naval Warfare Systems (SPAWAR) Command, Freedom of Information Act Office (Code 3.5), 4301 Pacific Highway, OT-4, San Diego, CA 92110-3127
- Department of Defense Office of Inspector General, DoD IG FOIA Requester Service Center, ATTN: FOIA Appellate Authority, Suite 17F18, 4800 Mark Center Drive, Alexandria, VA 22350-1500
- Headquarters, Defense Contract Audit Agency, (DCAA) Attn: Resources, FOIA Public Liaison, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, VA 22060
- FOIA Coordinator, Naval Research Laboratory, Code 1030, 4555 Overlook Ave., S.W., Washington, D.C. 20375-5320

Pages (330), (418) – (421) and (558) originated with this Service; however, contain information under the purview of SPAWAR, Naval Audit Service, Attn: FOIA, 1006 Beatty Place S.E., Washington Navy Yard DC 20374-5005 and DCAA, respectively. Therefore, we are forwarding those documents to them for review and return to us. Once their response has been received, we will further correspond with you.

There are no assessable fees associated with the processing of your request.

Sincerely,



CARIN M. COZZA
LT, JAGC, USN

Encl:
(1) Documents



Explanation of FOIA/PA Exemptions

Subsections of Title 5, United States Code, Section 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

Subsections of Title 15, United States Code, Section 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.